

REMARKS

Original claims 1-32 have been canceled and new claims 33-66 have been added. The amount of \$61.00 is also being submitted to cover the additional claim fees.

The Examiner rejected the claims under 35 U.S.C. §112 for failing to comply with the written description requirement. In particular, the Examiner objected to use of the term “environmental surface” in the claims. While Applicant believes that it would be apparent to one skilled in the art that the surface from which the environmental sample is taken is an environmental surface, the new claims do not refer to an environmental surface. It is noteworthy, that the term “environmental sample” by definition and as understood in the art is a sample taken from the environment and therefore would not include a sample of human tissue.

The Examiner also rejected the claims under 35 U.S.C. §102 and §103 on the basis of U.S. Patent 6,447,463 to Borkowski and in view of U.S. Patent 5,812,312 to Lorincz and U.S. Patent 5,582,298 to Clayton, et al. The new claims are focused on those aspects of the invention considered to be novel and non-obvious over these prior art references as discussed with the Examiner in a telephone conference on January 15, 2004. It is believed that these claims are in condition for allowance and such action is respectfully requested.

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